

*Q 3
cont.*

20. (AMENDED) The back light assembly for a liquid crystal display device of claim 19, wherein the support portion has a middle portion between the top portion and the bottom portion.

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Office Action of July 3, 2002 has been received and contents carefully reviewed.

In the Office Action, the Examiner objected to the title as not being descriptive; objected to the drawings; rejected claims 17 and 20-22 under 35 U.S.C. § 112, second paragraph; rejected claims 1, 17, 24, 26, and 27 under 35 U.S.C. § 102(a) as being anticipated by the related art shown in Figure 1; rejected claims 2-5, 7, 11-16, 18, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1; rejected claims 8-10, 19-22, and 28 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1 in view of Hoven et al. (U.S. Pat. No. 2,865,133). The rejection of these claims is traversed and reconsideration of the claims is respectfully requested in view of the following remarks.

The Examiner objected to the title of the invention as not being clearly indicative of the invention to which the claims are directed. Although Applicant believes that the title of the invention is clearly indicative of the invention, for the purpose of expediting the prosecution of this application, the title has been changed. Therefore, Applicant requests the withdrawal of this objection.

The objection to the drawings under 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims is traversed and reconsideration is respectfully requested.

The Examiner states “ ‘the second conical shape being smaller than the first conical shape’ (claim 19) must be shown or the feature(s) canceled from the claim(s).” Applicant respectfully submits, for example, at least Figure 5 illustrates the features described above. The Examiner states “ ‘the support portion include means to enhance cohesion between the mold frame and the reflection sheet’ (claim 23) must be shown or the feature(s) canceled from the claim(s).” Applicant respectfully submits, for example, at least Figure 4 illustrates the features described above. Further, Applicant respectfully directs the Examiner to page 10, line 23 - page 11, line 2, which recites “An extension portion 66 is formed... to enhance cohesion between the mold frame 10... and the reflection sheet 40.” The Examiner states “ ‘the lamp supporters including lamp receiving grooves’ (claim 25) must be shown or the feature(s) canceled from the claim(s).” Applicant respectfully submits, for example, at least Figures 2 and 3 illustrate the features described above. Further, Applicant respectfully directs the Examiner to page 8, line 22 - page 9, line 1, which recites “The lamp supporter 20...includes a plurality of lamp receiving grooves 22.” Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings because they are believed to be in full compliance with 37 C.F.R. § 1.83(a).

The rejection of claims 17 and 20-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is traversed and reconsideration is respectfully requested.

The Examiner rejected claim 17 as being indefinite because “it is unclear if the claimed support structure is circular in cross section.” It is reasoned by the Examiner that “A top portion is claimed as having smaller circumference than a bottom portion, but the claims are silent as to the specific form supporting the structure cross section.” Applicant respectfully submits that an alleged lack of recited elements in a claim influencing the breadth of a claim is not to be equated with indefiniteness. See MPEP 2173.04. Applicant respectfully submits the scope of the subject matter embraced by the claim as filed is clear. However, in the interest of furthering prosecution on the merits, Applicant amends claim 17 to include a limitation that Applicant submits was inherent in the structure and scope of the claim as filed. Accordingly, Applicant respectfully submits claim 17 complies with 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 20-22 as being indefinite since claim 20 “fails to properly define the claimed middle portion.” Applicants respectfully submit that the rejection of claims 20-22 is moot in view of the claim amendment.

The rejection of claims 1, 17, 24, 26, and 27 under 35 U.S.C. § 102(a) as being anticipated by the related art shown in Figure 1 and of claims 2-5, 7, 11-16, 18, 23, and 25 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1 is traversed and reconsideration is respectfully requested.

Independent claim 1 is allowable over the cited art in that claim 1 recites a combination of elements including, for example, “a diffusion plate supporting member between the reflection sheet and the diffusion plate, wherein a portion of the diffusion plate supporting member contacting the diffusion plate comprises an elastic material” None of the cited references including the related art shown in Figure 1, singly or in combination, teaches

or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 1 and claims 2-26, which depend from claim 1, are allowable over the cited references.

Independent claim 27 is allowable over the cited art in that claim 27 recites a combination of elements including, for example, "coupling lamp supporters to the mold frame... receiving the lamp at the lamp supporters." None of the cited references including the related art shown in Figure 1, singly or in combination, teaches or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 27 is allowable over the cited references.

The Examiner cites the related art shown in Figure 1 as disclosing "lamp supporters located at the first and second end portions of the mold frame, inherent; ...the lamp supporters receiving the lamps, inherent." Office Action at 6. However, Applicant respectfully submits that the related art shown in Figure 1 does not disclose, implicitly or explicitly, at least the combination of elements recited above. Accordingly, it appears that the Examiner tries to cure the deficiencies of the related art shown in Figure 1 by relying on inherency. Applicant respectfully directs the Examiner to MPEP 2112 disclosing "in relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Contrary to these teachings, the Examiner has provided no basis in fact or technical reasoning supporting the determination that at least the combination of elements recited above as recited in the aforementioned independent claims is an inherent element of the related art shown in Figure 1.

With respect to claims 12-14, the Examiner admits, "The [the related art shown in Figure 1] discloses all the limitations of the claims, except... the support portion including a first hole; ...the mold frame including a second hole; ...a fastening element passing through the first and second hole for coupling the mold frame and the supporting member; and the fastening member being screw." In order to cure the deficiencies of the related art shown in Figure 1 the Examiner relies on Official Notice by stating, "It would have been obvious to... use screws to couple the supporting portion to the mold frame since the Examiner take Official Notice that the use, and its advantages over the other fastening means, of screws as fastening elements is old and well known in the art." Office Action at 9.

Applicant respectfully submits, the Examiner may take official notice of facts outside of the record, which are capable of instant and unquestionable demonstration as being "well-known" in the art. However, as set forth in MPEP 2144.03, if an applicant traverses an assertion made by an Examiner while taking Official Notice, the Examiner should cite a reference in support of their assertion. Accordingly, Applicants respectfully traverses the use of the Official Notice rejection in the present Office Action.

The rejection of claims 8-10, 19-22, and 28 under 35 U.S.C. § 103(a) as being unpatentable over the related art shown in Figure 1 in view of Hoven et al. is traversed and reconsideration is respectfully requested.

Claim 8-10 and 19-22 include all of the limitations of claim 1, as discussed above, and the related art shown in Figure 1 fails to teach or suggest at least these features of independent claim 1 as recited above. Similarly, Hoven et al. to cure the deficiencies of the related art shown in Figure 1. Accordingly, Applicant respectfully submits that the Examiner

has not established a *prima facie* case of obviousness regarding claim 8-10 and 19-22 in view of claim 1, as above.

Independent claim 28 is allowable over the cited art in that claim 28 recites a combination of elements including, for example, “lamp supporters coupled to the mold frame; a lamp coupled to the lamp supporters; …a diffusion plate supporting member… including: a first portion coupled to the mold frame at one side, the diffusion plate support member having sufficient rigidity to prevent the diffusion plate from dropping down; and a second portion coupled to one end of the first portion contacting the diffusion plate, the second portion having more elasticity than the first portion.” None of the cited references including the related art shown in Figure 1 or Hoven et al., singly or in combination, teaches or suggest at least these features of the claimed invention. Accordingly, Applicant respectfully submits that independent claim 28 is allowable over the cited references.

The Examiner cites the related art shown in Figure 1 as disclosing “lamp supporters located at the first and second end portions of the mold frame, inherent; …the lamp supporters receiving the lamps, inherent; …a diffusion plate supporting members located between the reflection sheet and the diffusion plate…; the diffusion plate supporting members having an elastic material contact portion contacting the diffusion plate.” The Examiner further states that the related art shown in Figure 1 does not disclose “the support portion being made out of metal”. In order to cure the deficiencies of the related art shown in Figure 1, the Examiner cites Hoven et al. as disclosing “a supporting member… ; the supporting member being made out of metal… ; the supporting member having an elastic material contact portion.” Subsequently, the Examiner concluded “It would have been obvious to… obtain a support member with the rigidity to support the weight of the structure

it is supporting, but also a contacting surface soft enough as to not create scratches or any other kind of surface damage to the surface it is in contact with, as per the teachings of [Hoven et al.].” Office Action at 8.

Applicant respectfully submits, however, that the related art shown in Figure 1 does not disclose, either explicitly or implicitly, at least the combination of elements, for example, “lamp supporters located at the first and second end portions of the mold frame” and “the lamp supporters receiving the lamps.” Accordingly, it appears that the Examiner tries to cure the deficiencies of the related art shown in Figure 1 by relying on inherency. Applicant respectfully directs the Examiner to MPEP 2112 disclosing “in relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Contrary to these teachings, the Examiner has provided no basis in fact or technical reasoning supporting the determination that at least the combination of elements recited above as recited in the aforementioned independent claim is an inherent element of the related art shown in Figure 1.

Further Applicant respectfully submits, that Hoven et al. is not available as a reference under 35 U.S.C. § 103 as Hoven et al. is nonalaogous prior art. Applicant respectfully directs the Examiner to MPEP 2141.01(a) disclosing “In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” Accordingly, Applicant respectfully submits the field of Hoven et al.’s endeavor “relates to furniture construction and more particularly to footed supporting legs for articles of furniture” see column 1, lines 15-17 of

Hoven et al. Further, Hoven et al. states at column 1, lines 18-29, "The primary objects of the invention are to provide... a means and a method for easily and economically assembling the foot to the leg and in such a manner that after then are assembled, removal of the foot from the leg is extremely difficult thus to prevent accidental removal or deliberate and surreptitious removal as sometimes occurs in schools; and to provide such a footed furniture leg which is economical in manufacture, durable in use, and attractive in appearance." The field of Applicant's endeavor, however, "relates to a liquid crystal display device, and more particularly, to a back light assembly for a liquid crystal display device", see page 2, lines 6-7 of Applicant's specification. Accordingly, Applicant respectfully submits Hoven et al. is not in the field of Applicant's endeavor.

Moreover, Applicant respectfully submits that Hoven et al. is not reasonably pertinent to the particular problem with which Applicant is concerned. For example, Applicant states "If an external impact or oscillation is applied to the liquid crystal display device, foreign materials or scratches occur on a contact area between the diffusion plate and the support due to friction between them. The foreign materials or scratches act on the display area leading to poor image quality. In addition, since the support has a pointed end portion, the end portion may be broken or deformed due to such external impact. In this case, the support cannot prevent the diffusion plate from dropping down. To solve such a problem, the support may be of a soft material such as a rubber. In this case, however, the support cannot sufficiently support the diffusion plate due to reduced rigidity", see page 4, lines 4-13 of Applicant's specification. Accordingly, Applicant respectfully submits Hoven et al. is not reasonably pertinent to the particular problem with which the Applicant is concerned because it has not been shown that a person of ordinary skill, seeking to solve the aforementioned problems,

would reasonably be expected or motivated to look to footed supporting legs for articles of furniture.

Applicants believe the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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MARKED UP VERSION OF THE AMENDED TITLE

-- BACK LIGHT ASSEMBLY HAVING ELASTIC SUPPORT MEMBER FOR
LIQUID CRYSTAL DISPLAY DEVICE --

MARKED UP VERSION OF THE AMENDED CLAIMS

1. (AMENDED) A back light assembly for a liquid crystal display device having a display area, comprising:

a mold frame having first and second end portions;

lamp supporters at the first and second end portions of the mold frame;

a lamp having first and second end portions, the lamp supporters receiving the lamp, the lamp being disposed in a lower portion of the display area;

a reflection sheet over the mold frame and below the lamp;

a diffusion plate over the lamp; and

a diffusion plate supporting member between the reflection sheet and the diffusion plate, wherein only a portion of the diffusion plate supporting member [having an elastic material] contacting the diffusion plate comprises an elastic material.

17. (AMENDED) The back light assembly for a liquid crystal display device of claim 1, wherein the diffusion plate supporting member has a conical shape including [includes] a top portion and a bottom portion, the top portion having a smaller circumference than the bottom portion.

19. (AMENDED) The back light assembly for a liquid crystal display device of claim 18, wherein the top portion of the support portion has a first conical shape and the

bottom portion of the support portion has a second conical shape, the second conical shape being [smaller] larger than the first conical shape.

20. (AMENDED) The back light assembly for a liquid crystal display device of claim 19, wherein the support portion has a middle portion between the top portion and the bottom portion[, the middle portion].